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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,495	10/29/2001	Yosuke Kimoto	SONY JP 3.3-033 DIV	3372

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,495	Applicant(s) SONY	
	Examiner Annan Q. Shang	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/04, 9/04, 12/04, 2/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by **Alexander et al (6,177,931)**.

As to claim 1, note the **Alexander** reference figure 1, discloses systems and methods for displaying and recording control interface with TV programs and program scheduling information and further discloses a receiver for receiving broadcast signals multiplexed with program guide information including at least broadcast time information of programs, the receiver comprising:

A receiving unit (TV Receiver 'TVR' 10 or Information Box 24 Receiver, fig.1, col.2, line 62-col.3, line 20 and col.5, lines 21-45) operable to receive broadcast signals (see figs.1 and 20 of WO 96/07270);

A separation unit (TVR-10 Decoder, col.2, line 62-col.3, line 20 and col.5, lines 21-45) operable to separate the program guide information from the received broadcast signals;

Means for carrying out display processing (Processor, col.5, lines 21-45) based on the separated program guide information;

A storage unit (TVR-10 Memory, col.5, lines 21-45) operable to store information indicating whether contents displayed immediately before turning off a power source for the receiver is a program guide or an image of a program (col.7, lines 1-17) and

A display controller (Processor/Display Controller, col.5, lines 21-45) operable to display the program guide or a predetermined program image as an initial image corresponding to the information stored in the storage unit when the power is turned on (col.7, lines 1-17).

As to claim 3, the claimed "In a receiver having a power source, a method for receiving broadcast signals..." is composed of the same structure elements the were discussed with respect to the rejection of claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** as discussed in claim 1 an 3 above, and in view of **Shafer et al (5,386,247)**

As to claim 2 and 4, Alexander further discloses displaying an EPG of the same genre as the genre of the program displayed (figs.6-8 and col.7, lines 46-56), but fails to explicitly teach where the display controller displays the EPG, immediately before the power source is turned off, in accordance with the information stored in the storage unit.

However, note the **Shafer** reference figures 1-4, discloses a TV receiver video display having progressively dimmed video images and constant brightness auxiliary images which includes a controller, which receives a turn-off signal via a user input device and displays an image immediately before the power source is turned off, in accordance with the information stored in the storage unit (col.3, lines 42-61 and col.4, lines 20-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Shafer into the system of Alexander in order to generate on-screen displays during the standby mode or power off mode of the TV receiver and also reduce perceived brightness of the main image.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al (5,448,313) disclose ON/OFF control of a cable converter unit by a VCR.

Morita et al (5,590,340) disclose apparatus and method for suspending and resuming software application on a computer.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



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